

ARLON DAVID SIMPSON, )  
)  
Petitioner, )  
) ORDER  
v. )  
)  
)  
WARDEN TRACY JOHNS, )  
)  
Respondent. )

For the reasons stated in Timms, supra, the motion to dismiss (DE # 11) is GRANTED, and the petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE. As a result, petitioner's motion to appoint counsel (DE # 5) and respondent's motion to dismiss (DE # 9) are

DENIED AS MOOT. The Clerk is DIRECTED to close the case.

This 28 January 2011.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt  
Senior U.S. District Judge